

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

MORCOUS MORGAN, and
ERIEN IBRAHIM,
Petitioners,

v.

JOHN ASHCROFT, MICHAEL GARCIA,
BRUCE CHADBOURNE, and
Respondents.

Civil Action 04-11017-RCL

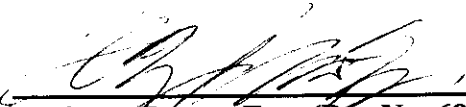
MOTION TO HOLD DECISION IN ABEYANCE PENDING
OUTCOME OF FIRST CIRCUIT DECISION

The Petitioners, Morcous Morgan and Erien Ibrahim, hereby move that this honorable court hold all decisions in the above matter in abeyance pending a final decision of the First Circuit Court of Appeals in the case, Ishak v. Ashcroft, et al., Docket Number 04-1138. In support of this Motion, the Petitioners state that the Respondents' have filed a Motion to Dismiss this case based upon the contention that the Court lacks Habeas Corpus Jurisdiction. That issue is pending before the Court of Appeals in Ishak and the decision regarding Habeas jurisdiction in Ishak may decide the issue in this case. On March 7, 2005, the Court of Appeals heard oral argument on Ishak and the parties expect a decision on the case in the near future. Holding this case in abeyance will not prejudice either party and may serve to resolve the issues presented without further hearings or appeals.


3/7/05 motion denied.
[Signature]

WHEREFORE, the Petitioners respectfully request that this honorable court hold any decision on its jurisdiction in abeyance pending the final decision from the First Circuit Court of Appeals in the Ishak case.

Respectfully submitted,
Morcous Morgan and Erien Ibrahim
By their attorneys,



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CERTIFICATE OF SERVICE

I, Anthony Drago, hereby certify that on the 7th day of March, 2005, I served a copy of my Notice of Appearance and Motion to Hold Case in Abeyance upon counsel for the Respondents, Mark J. Grady, Esq., Assistant U.S. Attorney, U.S. Attorney's Office, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Suite 9200. Boston, MA 02210, in hand.


Anthony Drago